International Seabed Authority ISBA/21/C/10

Council

Distr.: General
3 June 2015

Original: English

Twenty-first session
Kingston, Jamaica
13-24 July 2015

Agreement of cooperation between the International Maritime Organization and the International Seabed Authority

Note by the Secretary-General

I. Introduction

1. By virtue of article 169, paragraph 1, of the United Nations Convention on the Law of the Sea of 10 December 1982, the Secretary-General of the International Seabed Authority shall, on matters within the competence of the Authority, make suitable arrangements for consultation and cooperation with international and non-governmental organizations recognized by the Economic Social Council of the United Nations. Such arrangements require the approval of the Council. Organizations with which the Secretary-General has entered into an arrangement are permitted to designate representatives to attend meetings of the organs of the Authority as observers in accordance with the rules of procedures of those organs. Written reports of the organizations on subjects related to the work of the Authority and in which they have special competence may be distributed to States parties by the Secretary-General.

II. Agreement of cooperation between the Authority and the International Maritime Organization

2. The International Maritime Organization (IMO) is a specialized agency of the United Nations responsible for measures to improve the safety and security of international shipping and to prevent pollution from ships. It is also involved in legal matters, including liability and compensation issues and the facilitation of international maritime traffic. IMO was established by means of the Convention on the International Maritime Organization, adopted under the auspices of the United Nations in Geneva on 6 March 1948, and met for the first time in January 1959. It currently has 171 member States and three associate members.

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3. By virtue of rule 82 (d) of the rules of procedure of the Assembly, IMO is an observer in the Assembly of the Authority and may participate in the deliberations of the Assembly upon the invitation of the President on questions within the scope of its competence. By extension, pursuant to rule 75 of the rules of procedure of the Council of the Authority, IMO may, upon invitation of the Council, designate a representative to participate in the deliberations of the Council, without the right to vote, on questions affecting it or the scope of its activities. The right to, among other things, participate in or consult the Council does not extend to subsidiary organs (as in the case of the Assembly) or to the secretariat, hence the need for an agreement of cooperation.

4. Following the twentieth session of the Authority, the secretariat of the Authority and the IMO secretariat entered into consultations on the modalities for future cooperation between the two organizations. As the Authority embarks on the formulation of a regulatory framework for the exploitation of deep-sea minerals in the Area, technical expertise, advice and assistance from relevant United Nations organizations, bodies and specialized agencies such as IMO will be necessary. The first consultation between IMO and the Authority took place on the margins of the thirty-sixth Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and the ninth Meeting of Contracting Parties to the 1996 Protocol thereto, held in London in November 2014. The second consultation took place on the margins of the fourteenth meeting of UN-Oceans, held in London in March 2015.

5. On 27 April 2015, the Secretary-General of the Authority wrote to the Secretary-General of IMO informing him, inter alia, of the ongoing discussions between the secretariats of the two organizations regarding the possibility of the establishment of an agreement of cooperation between IMO and the Authority. In his letter, the Secretary-General highlighted that the Authority was working towards the formulation of a regulatory framework for the exploitation of seabed resources in the Area and that closer collaboration between the two organizations in fields of common interest would be valuable.

6. On 6 May 2015, the Secretary-General of IMO responded that IMO was ready to assist once the formalities to establish the agreement of cooperation were completed and that, in accordance with IMO rules, any signature of cooperation by IMO required the approval of the Council of IMO and, subsequently, of its Assembly. He confirmed that the draft agreement between the Authority and IMO would be submitted to the Council of IMO at its 114th session, to be held in London from 29 June to 4 July 2015.

7. The proposed agreement of cooperation, as drafted jointly by the secretariats of IMO and the Authority, is contained in the annex to the present document. The draft follows the pattern of similar agreements previously concluded between IMO and interested entities, and is submitted for consideration by the Council, in accordance with article 169 of the United Nations Convention on the Law of the Sea.

III. Action by the Council

8. The Council is invited to take note of the present document and approve the agreement of cooperation between the Authority and IMO.

Annex

Draft agreement of cooperation between the International Maritime Organization and the International Seabed Authority

1. The International Maritime Organization (hereinafter referred to as "IMO") and the International Seabed Authority (ISA) (hereinafter referred to as "ISA") will consult each other on matters of common interest to both with a view to ensuring maximum coordination of the work and activities of their respective organizations in respect of such matters.

2. Subject to such arrangements as may be necessary for safeguarding confidential information, the Secretary-General of IMO and the Secretary-General of ISA will exchange information and keep each other informed of projected activities and programmes of work in fields of common interest. Accordingly, when either entity proposes to initiate a programme or activity on a subject in which the other has or may have a substantial interest, consultation will be initiated between the two, with a view to harmonizing their efforts as far as possible, taking into account their respective responsibilities and any decisions or wishes of the appropriate governing bodies of the respective entities.

3. The Secretary-General of IMO will invite the Secretary-General of ISA to send representatives to observe meetings or conferences convened by or under the auspices of IMO to consider matters in which ISA has an interest, in accordance with procedures applicable to each meeting or conference. Conversely, the Secretary-General of ISA will invite the Secretary-General of IMO to send observers to meetings or conferences convened by or under the auspices of ISA to consider matters in which IMO has an interest, in accordance with the procedures applicable to each meeting or conference.

4. The Secretary-General of IMO and the Secretary-General of ISA may consult on matters of personnel, material, services, equipment and facilities for joint undertakings which may be agreed between them in fields of common interest to IMO and ISA.

5. IMO will, at the request of ISA, render assistance to ISA with respect to matters within the scope of activities of ISA; and ISA will, at the request of IMO, render assistance to IMO in matters falling within the scope of IMO's activities. Where assistance, which is required by either party under the terms of this Agreement, involves substantial expenditure, consultations will take place with a view to determining the most equitable manner for meeting such expenditure.

6. It is further agreed that nothing in this Agreement shall bind any of the Member States of ISA jointly or severally. Similarly, the Agreement shall not bind any of the Member States of IMO jointly or severally.

7. This Agreement shall be subject to revision by agreement between the Secretary General of IMO and the Secretary-General of ISA.

8. The Secretary-General of IMO and the Secretary-General of ISA may terminate this Agreement by giving six months' written notice to the other party.

9. This Agreement shall come into force on its approval by the Assembly of IMO and the Council of ISA, whichever is the later.

Agreed for ISA by:	Agreed for IMO by:
[Name of the Secretary-General] Secretary-General	[Name of the Secretary-General] Secretary-General
Date:	Date: .....